

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JAMES THOMAS BEAN, Register No. 530524,)	
)	
Plaintiff,)	
)	
v.)	No. 06-4291-CV-C-SOW
)	
DAVE DORMIRE, et al.,)	
)	
Defendants.)	

REPORT, RECOMMENDATION AND ORDER

On January 22, 2008, plaintiff filed a motion voluntarily dismissing his claims against Brad Cassidy, Raydell Powell, Mershon Whitfield, Gene James, Paul Gore, Richard Corser, John Meadows and Chad Hovis.¹ No objections have been filed.

On that same date, plaintiff filed a motion to compel discovery. Although it is not clear exactly what discovery plaintiff requests in his motion to compel, or from whom he requests it, the court will address the two matters that are relatively specific.

Plaintiff requests a full copy of a deposition transcript “to fully clean up all needed clarifications.” (Doc. 140.) The court assumes plaintiff is seeking the transcript of his own deposition, but is uncertain. In light of the pending motions for summary judgment, and plaintiff’s failure to provide more information for the court, this request will be denied. If the deposition pages plaintiff does not have are used to support defendants’ motions for summary judgment, plaintiff may bring the matter to the court’s attention, although he should have received a copy of all the exhibits submitted to the court.

Plaintiff next indicates he wants to obtain a copy of his medical records from Parkland Health Center in Bonne Terre, Missouri. This appears to be a private health center which is not a party to this lawsuit. Plaintiff should be able to obtain those records by requesting them from the

¹This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

center, providing the appropriate payment for associated costs, and signing a release form. Court intervention should not be required.

Accordingly, it is

ORDERED that plaintiff's motion of January 22, 2008, to compel discovery is denied.

[140] It is further

RECOMMENDED that plaintiff's claims against defendants Brad Cassidy, Raydell Powell, Mershon Whitfield, Gene James, Paul Gore, Richard Corser, John Meadows and Chad Hovis be dismissed, without prejudice. [164]

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional circumstances. Failure to make specific written exceptions to this report and recommendation will result in a waiver of the right to appeal. See L.R. 74.1(a)(2).

Dated this 17th day of March, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge